

Payson PCE and Tonto/Cherry Water Quality Assurance Revolving Fund (WQARF) Sites

Community Advisory Board Meeting

Wednesday, November 5, 2003
6:00 p.m. to 8:00 p.m.
Town Hall – Council Chambers
303 N. Beeline Highway, Payson, Arizona

FINAL MINUTES

PIOU#: 04-077

Members in attendance:

Nel Gusimat
Robin Morris
Jean Riddell
Michelle Dyer
James Erhardt
James Winter

ADEQ Staff in attendance:

David Haag, Project Manager
Cortland Coleman, Community Involvement
Coordinator
Monica Mascareno, Community Involvement
Coordinator

Members absent:

John Shoemaker

Others in attendance:

Edward Slebir
Roger Hattrup
Robyn Kline, Atty. for Tonto-Apache tribe
Damian Wiseman
Harlan Green

PIOU #04-077

The meeting began at 6:05 p.m.

The following matters were discussed, considered, and decided upon at the meeting:

1. Welcome and Introductions

The meeting was called to order by Mr. Coleman at 6:05p.m.

Mr. Coleman introduced himself and welcomed everyone to the meeting. Everyone in attendance introduced themselves.

2. Acceptance or Changes to May 13, 2003 minutes and September 9, 2003 minutes

XXXX(m) made a motion to accept the May 13, 2003 minutes as presented. Motion was seconded. Motion passed unanimously.

XXXX(f) made a motion to accept the September 9, 2003 minutes as presented. Motion was seconded. Motion passed unanimously.

An audience member asked about copies of the May and September minutes. Mr. Haag stated that they could be mailed via US Mail. Mr. Coleman stated that he would e-mail previous meeting minutes to those

who requested. Mr. Coleman also stated that the minutes of previous CAB meetings can be viewed and/or downloaded at the ADEQ website.

3. Discussion and Voting for New Co-Chairs

Mrs. Dyer made a motion to nominate Robin Morris as a CAB co-chair. Motion was seconded. Mr. Morris was unanimously elected to one of the co-chair positions.

Mr. Morris made a motion to nominate Nel Gusimat as a CAB co-chair. Motion was seconded. Mrs. Gusimat was unanimously elected to one of the co-chair positions.

4. Discussion and Voting on CAB Applications

Roger Hattrup had previously submitted an application to become a CAB member. Mr. Hattrup was in attendance at the meeting and was recognized by the CAB. The CAB had a question for applicant Hattrup regarding his travel schedule. A motion to accept Mr. Hattrup as a CAB member was made by Robin Morris. Motion was seconded. Mr. Hattrup was elected to the CAB by a unanimous vote.

Edward Slebir had previously submitted an application to become a CAB member. Mr. Slebir was in attendance at the meeting. Mr. Slebir offered his comments regarding his application and his attendance at previous meetings. Mr. Slebir mentioned that he retired as a geological engineer. He also said he would be willing to attend future meetings, but he does not have advanced computer skills. Mr. XXXX mentioned that computer skills are not a pre-requisite for CAB membership. XXXX(m) made a motion to accept Mr. Slebir as a member of the CAB. Motion was seconded. Mr. Slebir was elected to the CAB by a unanimous vote.

Mr. Morris asked a question about CAB member contact information. The information was made available to all CAB members via the CAB Contact List.

Mr. Coleman mentioned that blank CAB applications are available. He urged CAB members to contact interested parties and discuss CAB membership with them. Any new applications that are received will be voted on at the next CAB meeting.

5. Review and Discussion of CAB Charter

Copies of the CAB Charter were made available to CAB members. A brief discussion ensued regarding the charter's requirements, statute requirements and meeting attendance.

A review of the quorum rule was done. Mr. Morris asked a question about requiring a quorum in order to conduct CAB business. XXXX(m) stated that the quorum issue is addressed by Arizona Revised Statutes (ARS). Mr. Coleman discussed the numerical requirements for attaining a quorum based on the number of CAB members.

XXXX(m) had a question about meeting attendance and whom to contact regarding absences at meetings. All contact information was made available to the CAB membership via the CAB Contact List. Dr. Gusimat stated that the best method for contacting her via telephone was at her place of employment.

XXXX(f) asked about modifying the quorum requirements. The question was posed as to how many people need to be in attendance for a quorum and could that number be changed. Mr. Coleman stated that a quorum consists of a plurality of CAB members. Mr. Morris asked about changing the number required

for a quorum. Mr. Coleman stated that the number could only be changed based upon the number of CAB members.

XXXX(m) mentioned that the CAB is supposed to have 11 members, remaining within statutory limits. Mr. Coleman mentioned that the maximum number of CAB members allowed by statute is 20. Ms. Mascareno mentioned that the minimum number of CAB members is 5, according to A.R.S.

Mr. Morris made a motion that further discussion of the CAB Charter be tabled until the next meeting. Motion was seconded. The decision to table the discussion was passed unanimously.

6. Review of current status and activities at Payson WQARF sites (Project Manager: David Haag).

Mr. Haag began by discussing how the Payson CAB came into existence via the “new” WQARF law in 1997. Joint liability was revised to proportional liability. The 1997 WQARF law outlined measures for community involvement – quarterly meetings, public input, etc. Payson was the first CAB formed under the new law. Mr. Haag expressed his appreciation for the CAB and their help disseminating the information from ADEQ to community members.

Mr. Morris asked about the funding source for WQARF activities. Mr. Haag replied by discussing the different funding sources for the WQARF program. Mr. Morris mentioned that as a former business owner he was charged a certain percentage per transaction and that percentage was then payable to ADEQ.

Mr. Haag mentioned that WQARF funding is also made available through legislative appropriation and various industry taxes.

XXXX (m) asked about joint and proportional liability. Mr. Haag gave an example of a contaminated site and how the responsible parties are apportioned liability. Mr. Haag discussed the investigatory steps that take place through the WQARF process, and how apportioned liability is decided upon.

XXXX(m) commented that there is a procedure in ARS for allocating liability. Mr. Haag clarified that the procedure is dictated by ARS.

XXXX(m) asked where recovered funds from responsible parties are deposited. Mr. Haag replied that funds from responsible parties are allocated to the WQARF section of ADEQ. Mr. Haag also explained the process of orphan shares and outlined the process under which those decisions are made. Mr. Coleman explained that any CAB members or general public members who would like the A.R.S. reference to the new WQARF law(s) may contact him.

Mr. Haag went on to discuss the current status of the Payson PCE site. During the previous meeting, the Proposed Remedial Action Plan (PRAP) was made available to the CAB members and was, subsequent to the meeting, publicly noticed. Mr. Haag stated that 2 comments were received in response to the PRAP; one from Mr. Morris and one from the Tonto-Apache tribe. Both comments will be addressed in the future.

Mr. Haag stated that the next step for the Payson PCE site was the publication of the Record of Decision (ROD). Mr. Morris wondered about the CAB’s input to the PRAP and ROD. Mr. Coleman mentioned that during the WQARF process there are several opportunities for public comment and input.

XXXX(m) asked about the finality of the ROD and how that affects ADEQ’s involvement in Payson. Mr. Haag replied that once the ROD is issued there will be less contact between DEQ and the general public

in the Payson-area. Mr. Haag discussed different scenarios under which contact would be more frequent. He also mentioned what is contained with the ROD with regard to remediation efforts and the different alternatives that are considered.

Mr. Morris mentioned that the water table and other hydrological features partially determine how much water can be pumped per minute. Mr. Morris mentioned that the number of gallons pumped per minute has declined. Mr. Morris stated that the remediation for the Payson PCE site is expected to cost \$14 million.

Mr. Hattrup asked about how other contaminants and other sites would affect the CAB and ADEQ's involvement in the Payson-area. Mr. Coleman mentioned that this CAB was formed to address the Payson PCE and Tonto/Cherry sites. Sites and/or contaminations outside the realm of those two sites would need to be separately addressed.

Mrs. Riddel made sure there was a differentiation between the different types of wells that ADEQ installs. The generic term "wells" can be confusing to new CAB members and general public members. Mr. Haag went on to verbally map out, with the aid of a Town of Payson (TOP) map, the different well locations.

Mr. Haag mentioned that detailed results from monitoring wells are made available to the TOP and the Tonto-Apache tribe. He went on to discuss how those results are analyzed and acted upon by ADEQ.

XXXX(m) mentioned that the TOP was aware of PCE contamination in Green Valley in 1989. He went on to mention that DEQ was the only entity willing to move ahead with remediation efforts.

Mr. Haag continued to discuss how the TOP and ADEQ interact with regard to the Payson sites and their remediation efforts. He also gave a summary timeline of the Payson sites' history and ADEQ's response to the PCE contaminations.

Mr. Morris asked when did the TOP know about the PCE contamination. Mr. Haag mentioned that he believes the city became aware of the contamination in 1990. Mr. Haag went on to discuss ADEQ's response, pumping-and-treating capacity and future plans for remediation via the Expanded Groundwater Treatment System (EGTS). Mr. Haag explained that increased community involvement began in Payson in 1997.

Mr. Haag went on to discuss the latest round of sampling done in September 2003. He also addressed the fact that DEQ is still in the process of responding to Mr. Morris' comments and briefly discussed possible sources of the MTBE contamination in Payson. Mr. Haag mentioned that the dropping of the water table has led to decreased pumping capacity. Mr. Haag went on to describe how the water table drops in an area of well pumping.

Mr. Morris mentioned that TOP staff member Karen Probert had told him that the MTBE contamination is believed to originate from the area near the former Big O Tire store.

Mr. Haag went on to discuss the September sampling and fielded a question regarding MTBE from Mr. Morris. Mr. Haag mentioned that MTBE was found in the recent samplings.

Mr. Haag said ADEQ hoped to be formulating a response to comments by the Tonto-Apache tribe and Mr. Morris in next few months. He also mentioned that some of the tribal issues include federal water regulations, which he is unable to address. Mr. Haag described how the tribal well, located off the Beeline Highway, was in a poor location.

Mr. Morris asked Mrs. Kline about the status of the tribal well. Mrs. Kline mentioned the lack of water pressure experienced several summers ago by the tribe. Mrs. Kline stated that the Tribe wishes to work with ADEQ.

Mr. Haag went on to give a summary of activity at the Payson Tonto/Cherry site. He stated that the contaminants are below Aquifer Water Quality Standards. He also stated that the Remedial Objectives report should be issued in January, with a Feasibility Study to follow and the PRAP most likely being published during summer 2004.

Mr. Morris asked about the source of contamination at the Tonto/Cherry site. Mr. Haag replied that the Grandway Cleaners location is the main source of contamination for the site. Mr. Haag said that it's possible that the contaminant release was originally only a few gallons, with major plume movement following the release.

XXXX(f) asked about problems with the Skinner well. Mr. Haag replied that there have been problems including a lightning hit as well as communication issues with several wells connected to the EGTS.

Mr. Morris asked when the Skinner well came online. Mr. Haag replied that he believes Skinner came online around 1996/1997.

Mr. Haag went on to mention that Skinner was a wellhead treatment system in 1998. In 1998, ADEQ installed an extension line and hooked the Skinner well up to the EGTS. Mr. Haag mentioned that once the Skinner well came online originally, it may have contributed, along with the draught, to the reduced production rates at the Tribal well.

Mrs. Kline asked about monitoring of Skinner well. Mr. Haag said that test results from the last time the Skinner well was sampled indicate that PCE levels were above the AWQS.

Mr. Morris asked if the Skinner well pumps water to the EGTS. Mr. Haag replied, yes, Skinner does pump water to the EGTS.

Mrs. Kline asked about the pumping rate. Mr. Haag replied that the EGTS pumping rate is now back up to 180 gallons per minute.

Mrs. Kline asked whether in the future there will be anything left to capture in the plume, and any water left to pump, considering that ADEQ is pumping out more water than is being returned back to the system.

Mr. Morris asked about using waste treatment water to recharge the aquifer at the Payson PCE site. Mr. Haag replied that the town wanted to conduct a recharge project near Rumsey Park but will be unable to due to the lack of water available for such a recharge project.

Mr. Morris reiterated his question about using waste water treatment to recharge the Payson PCE aquifer. Mr. Haag stated that while physically feasible, this would not be a practical recharge solution due to the costs that would be incurred.

Mr. Haag also mentioned that one of the other issues is, because of property issues, takings, and because that issue has such negative implications, it would surprise him if TOP or ADEQ would be willing to go that far.

XXXX(m) mentioned the wastewater recharge issue, and speculated that it could be a problem, because of the fact that if such a large volume of water was returned to the aquifer at once, would some of the water end up flowing out of the Payson-area, therefore creating a loss of water to area residents.

Mr. Morris then commented that if the recharge issue goes unaddressed, won't the EGTS be in operation for approximately 32 years. Mr. Haag replied in the affirmative, that a long-term commitment is the most likely scenario. Mr. Haag went on to discuss the model set up to come to the long term solution and how other issues (recharge, end of draught) could alter that long-term schedule.

Mr. Morris asked when ADEQ would set up a MTBE remediation plant. Mr. Haag replied that he is unsure if ADEQ will ever do that. He added that carbon change-outs done at a rate of once-per-month (necessary for treating MTBE) would be less expensive than building a new plant similar to the EGTS. Mr. Haag also stated that due to constrained budgets, operation and maintenance of facilities like EGTS are a top priority.

Mrs. Kline asked if ADEQ was aware of the number of private wells in operation when ADEQ began working on the Payson PCE site compared to the number of private wells currently in operation. Mr. Haag replied that approximately 60 wells were originally tested, including those in the area of the Tonto & Cherry site.

A question was asked about the well at Kachina Trailer Park. Mr. Morris mentioned that the original private well built on that site is experiencing aeration. Mr. Haag mentioned that any wells that return non-detect samples for 4 straight quarters are no longer sampled.

XXXX(m) mentioned that accessing well information from the TOP was very difficult, and reliable information is not easy to find. Mr. Haag reminded those in attendance that any private well owners who have not had their well tested should contact ADEQ in order to begin sampling.

Mrs. Kline mentioned that ADEQ probably has the best information with regard to well location, production and sampling rates and results.

XXXX(m) asked about how a change in the current weather pattern could affect aquifer levels and residual soil contamination. Mr. Haag replied that the EGTS addresses most of the contamination and would most likely remain in operation, although when it is turned off, it can be brought back online for future remediation efforts.

Harlan Green mentioned that during the early 1990's, there were multiple municipal wells drilled, to the detriment of private wells, which then went dry. Mr. Green stated that he thought the town acted against its own long term interest acting in the manner it did installing wells.

Mr. Haag went on to say that he believes ADEQ has a very good handle on remediation of the contamination.

Mr. Green went on to mention that septic systems remained in use when, he believed, they should've been shut down. Mr. Haag stated that ADEQ remediated the septic tank that was a source of contamination.

7. Call to the Public

Mr. Green asked if ADEQ's response only included the PCE contamination. Mr. Haag replied in the affirmative; ADEQ is addressing the PCE contamination in Payson.

Mr. Green then asked about the remediation of the MTBE contamination in Payson. Mr. Haag replied that MTBE contamination detected in Payson would need to be addressed through another program or remediation effort. He went on to say there is currently no standard for MTBE contamination and ADEQ has no statutory authority to remediate MTBE-contaminated sites, although the EGTS is remediating the MTBE and if and when MTBE reaches 17.5 Parts Per Billion (PPB) between the carbon vessels, carbon change-outs occur.

Mr. Haag mentioned that if WQARF funding were to dry up, the Payson EGTS would still be a very high priority for ADEQ. He went on to say that while MTBE may drive up remediation costs, due to more carbon change-outs, MTBE will not force ADEQ to close the EGTS.

The source of the MTBE contamination was briefly discussed by a member of the general public. Mr. Haag mentioned that testing for MTBE did not begin until the mid-late 1990's – prior to that there was little, if any, testing done for MTBE.

A question was then asked, if the MTBE contamination site coincides with the Payson PCE contamination site? Mr. Haag stated that if so, it is purely coincidental.

The budget for the Payson WQARF sites was discussed and how that budget is affected/appropriated through the legislature. Mr. Haag mentioned that the operation and maintenance budget was, he believed, not in jeopardy of being cut by the legislature.

8. New Business / Future Meeting plans

Mrs. Dyer mentioned that she appreciates the general public input and attendance at the meeting. She also expressed her hope that general public attendance would continue at future meetings.

A meeting date was agreed to and set for Wednesday, February 18, 2004 at 6p.m.

Meeting was adjourned at 7:55pm